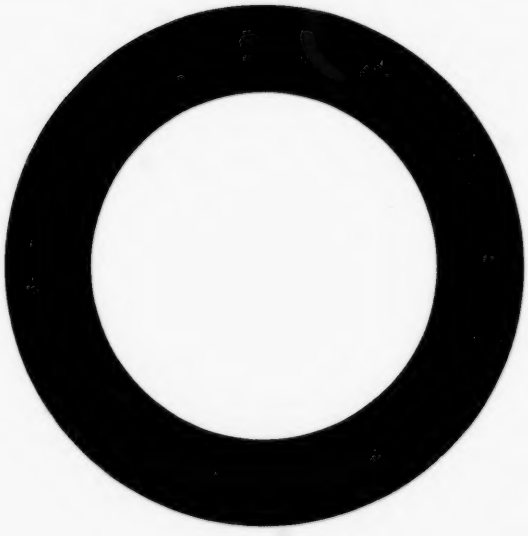

United Nations A/64/835

General Assembly

Distr.: General
18 June 2010

Original: English

Sixty-fourth session
Agenda items 132, 146, 161 and 163

Financing of the United Nations Office to the African Union

Report of the Fifth Committee

Rapporteur: Ms. Yuliana Zhivkova **Georgieva** (Bulgaria)

I. Introduction

1. At its 2nd plenary meeting, on 18 September 2009, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fourth session the items entitled "Programme budget for the biennium 2010-2011", "Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations", "Financing of the African Union-United Nations Hybrid Operation in Darfur" and "Financing of the activities arising from Security Council resolution 1863 (2009)" and to allocate them to the Fifth Committee.

2. The Fifth Committee considered the item at its 35th and 37th meetings, on 27 May and 18 June 2010. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/64/SR.35 and 37).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the budget for the United Nations Office to the African Union (A/64/762);

(b) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/64/792).

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II. Consideration of draft resolution A/C.5/64/L.58

4. At its 37th meeting, on 18 June, the Committee had before it a draft resolution entitled "Financing of the United Nations Office to the African Union" (A/C.5/64/L.58), submitted by the Chair on the basis of informal consultations coordinated by the representative of Cuba.

5. At the same meeting, the Committee adopted draft resolution A/C.5/64/L.58 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the United Nations Office to the African Union

The General Assembly,

Recalling its resolution 63/310 of 14 September 2009 on cooperation between the United Nations and the African Union,

Reaffirming the need to pursue and further strengthen the ongoing measures to improve the effectiveness and efficiency of United Nations and African Union cooperation,

Having considered the report of the Secretary-General on the budget for the United Nations Office to the African Union[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

1. *Takes note* of the report of the Secretary-General;[1]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] and requests the Secretary-General to ensure its full implementation;

3. *Decides* to approve the amount of 10,172,500 United States dollars, comprising 8,875,900 dollars for the period from 1 July 2010 to 30 June 2011 under the support account for peacekeeping operations and 1,296,600 dollars under the programme budget for the biennium 2010-2011;

Financing of the budget estimates

4. *Approves* 7,672,300 dollars for the United Nations Office to the African Union to be funded under the support account for peacekeeping operations, in addition to the amount proposed for the budget for the support account for peacekeeping operations for the period from 1 July 2010 to 30 June 2011;[3]

5. *Decides* to prorate the amount in paragraph 4 above among the budgets of the active peacekeeping operations for the period from 1 July 2010 to 30 June 2011;

6. *Also decides* to reduce by 3,903,100 dollars the amount proposed for the financing of support for the African Union Mission in Somalia for the period from 1 July 2010 to 30 June 2011;[4]

7. *Further decides* to reduce by 6,872,500 dollars the amount proposed for the budget for the African Union-United Nations Hybrid Operation in Darfur for the period from 1 July 2010 to 30 June 2011;[5]

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[1] A/64/762.
[2] A/64/792.
[3] A/64/697.
[4] A/64/644.
[5] A/64/685.

8. *Approves* the establishment of two new posts (1 Assistant Secretary-General and 1 P-4) and the abolition of one post at the P-3 level (United Nations Liaison Office) under section 1 of the programme budget for the biennium 2010-2011;

9. *Decides* to appropriate a total amount of 187,100 dollars under the programme budget for the biennium 2010-2011 under section 1, Overall policymaking, direction and coordination (156,700 dollars), and under section 35, Staff assessment (30,400 dollars), to be offset by a corresponding amount under Income section 1, Income from staff assessment; the provision would represent a charge against the contingency fund;

10. *Decides* to keep under review during its sixty-fifth session the financing arrangements for the United Nations Office to the African Union, under the agenda item entitled "Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations", in the context of the support account for peacekeeping operations for the period from 1 July 2011 to 30 June 2012.

United Nations A/64/836–S/2010/320

General Assembly
Security Council

Distr.: General
21 June 2010

Original: English

General Assembly
Sixty-fourth session
Agenda item 65 (a)
Promotion and protection of the rights of children

Security Council
Sixty-fifth year

Letter dated 10 June 2010 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General

I have the honour to transmit the attached memorandum of the Government of Afghanistan regarding your recent report on children and armed conflict (A/64/742-S/2010/181) (see annex).

I have the further honour to request that the present letter and its annex be circulated as a document of the General Assembly, under agenda item 65 (a), and of the Security Council.

(*Signed*) Zahir **Tanin**
Ambassador and Permanent Representative to the United Nations
Islamic Republic of Afghanistan

10-41086 (E) 250610

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Annex to the letter dated 10 June 2010 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General

Memorandum of the Government of Afghanistan regarding the report of the Secretary-General on children and armed conflict

1. The issue of children and armed conflict is of particular relevance and importance for countries like Afghanistan that continue to experience instability and violence. Vulnerable groups, in particular women and children, are often the first victims of conflict, and are often overlooked in traditional peacebuilding or conflict resolution paradigms. Afghanistan fully welcomes the increasing international focus on the protection of children in armed conflict and applauds the work of the Security Council, the Secretary-General and his Special Representative for Children and Armed Conflict in this regard.

2. The Government of the Islamic Republic of Afghanistan reiterates its enduring commitment to the protection of children and to ensuring their full exercise of all rights guaranteed them by the Constitution and laws of Afghanistan and by the international conventions and agreements to which Afghanistan is a party, and in that regard to the full implementation of, inter alia, Security Council resolutions 1612 (2005) and 1882 (2009).

3. The Government of the Islamic Republic of Afghanistan also reiterates its continuing cooperation and engagement with the Office of the Special Representative of the Secretary-General for Children and Armed Conflict. During both visits of the Special Representative to Afghanistan, an initial visit in July 2008 and a subsequent follow-up visit in February 2010, the Special Representative was welcomed personally by the President of the Islamic Republic of Afghanistan and other high-level officials and was given full access to detention centres, training centres and other facilities. In addition, the Government has fully supported the recent establishment of a monitoring and reporting mechanism, the addition of Child Protection Officers to the staff of the United Nations Assistance Mission in Afghanistan (UNAMA), the inclusion of civilian and child protection issues in the UNAMA and the International Security Assistance Force mandates and the assistance of the international community in supporting Afghanistan's ongoing efforts towards better and more effective protection of the rights and needs of children.

4. In this regard, the Government of the Islamic Republic of Afghanistan deeply regrets the inclusion for the first time of the Afghan National Police in annex I to the report as a party to conflict that recruits or uses children in contravention of international law. The Special Representative herself acknowledged in her mission report that "ANP policy is clearly designed to prevent [children being present]".

5. The commitments of the Islamic Republic of Afghanistan regarding recruitment for the Afghan National Security Forces are clear, and meet and surpass the obligations under the Convention on the Rights of the Child and its Optional Protocols. National legislation sets the age of voluntary recruitment for the Afghan National Army at 22, and for the Afghan National Police at 18. Recruitment procedures, in cooperation and conjunction with the international community, and particularly with the recent introduction of biometric verification, are increasingly

systematic and centralized to prevent errors. In addition, the Government of Afghanistan has an ongoing dialogue with the monitoring and reporting mechanism at all levels, including with the Office of the Special Representative, to improve the circumstances and procedures of the Afghan National Police to further protect the rights and safety of children.

6. Unfortunately, the difficult situation in the country continues to threaten the rights and safety of children. Challenges, including lack of enforcement capacity, weak institutions, widespread poverty and illiteracy, combined with incomplete national birth and identity data, can lead to incidents of children being associated with the Afghan National Police. However, and despite these obstacles, the Government of Afghanistan and the Afghan National Police, in cooperation with our international partners and allies, makes every effort to prevent any incidents, and takes immediate action when they are discovered. Indeed, on 10 May 2010, the Ministry of the Interior issued a widely applauded executive order reinforcing the current laws by directly forbidding the recruitment of individuals under 18 years of age into the police forces, providing for the mandatory reintegration of any found within 30 days, and outlining disciplinary action for those responsible. Unfortunate isolated incidents do not indicate any sort of systematic or intentional policy that might justify inclusion in the above-mentioned annex.

7. The Government of the Islamic Republic of Afghanistan has not been provided with any information explaining how the decision was made to include the Afghan National Police in the annex to the report, or what data was used as the basis for such a politically and legally sensitive conclusion. The report makes no mention of the issue beyond one sentence in paragraph 47, which states only that "children also continue to be associated with the Afghan National Police".

8. In addition, the intention to list the Afghan National Police in the annex to the report was not mentioned to the Government of Afghanistan, despite the constructive dialogue that the Permanent Mission of Afghanistan to the United Nations had with the Office of the Special Representative on other issues in the report. The Government of Afghanistan discovered the inclusion of the Afghan National Police in the annex only when the report was distributed to the public.

9. Finally, the inclusion of the Afghan National Police in the annex draws an unjustifiable equivalency between the Afghan National Police and the forces of the Taliban and other terrorist groups, who show a wilful, abhorrent disregard for human life, repeatedly and intentionally targeting women, children, schools and clinics in a campaign of terror and repression, and systematically recruiting children as suicide bombers, extremists and terrorists. In the face of Afghanistan's difficult situation, the Afghan National Police has an almost impossible task, often fighting on the front lines against a brutal enemy, facing the highest casualty rate among Afghan security forces and dealing with chronic under-resourcing and insufficient training. Their inclusion in this list devalues and undermines the joint efforts of the Government of Afghanistan, the international community and the men and women of the Afghan National Police to build a strong, effective, responsive and capable force dedicated to upholding the rule of law and protecting the people of Afghanistan.

United Nations A/64/837

General Assembly

Distr.: General
21 June 2010
English
Original: Spanish

Sixty-fourth session
Agenda item 23
Question of the Falkland Islands (Malvinas)

Letter dated 11 June 2010 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith a copy of a press release issued yesterday, 10 June 2010, by the Government of the Argentine Republic on the occasion of the Day of Affirmation of Argentine Sovereignty over the Malvinas Islands and the Antarctic Sector (see annex).

I should be grateful if you would have this note and its annex circulated as a document of the General Assembly under agenda item 23 on the question of the Malvinas Islands.

(*Signed*) Jorge **Argüello**
Ambassador
Permanent Representative

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Annex to the letter dated 11 June 2010 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

Press release

Day of Affirmation of Argentine Sovereignty over the Malvinas Islands

Buenos Aires, 10 June 2010

On 10 June, the Day of Affirmation of Argentine Sovereignty over the Malvinas Islands and the Antarctic Sector, the Argentine nation commemorates the establishment in 1829 of the Political and Military Command for the Malvinas Islands and the islands adjacent to Cape Horn in the Atlantic Ocean, by decree of Brigadier General Martín Rodríguez, Acting Governor of Buenos Aires Province.

Since its beginnings as an independent nation, the Argentine Republic has, through government acts, publicly exercised its effective sovereignty over the southern territories and maritime areas which it inherited from Spain.

The Government of Argentina has never ceased to reaffirm its legitimate title to the islands and has sought to ensure the rule of law so as to better protect the activities of the Argentine population and of the people from other countries residing there. In the process, it created an appropriate institutional framework for the subsequent colonization undertaken by the Governor of the Malvinas Islands, Luis Vernet.

This effective exercise of sovereignty was interrupted on 3 January 1833, when British forces occupied the Malvinas Islands, expelling the Argentine population and authorities settled there and replacing them with British subjects.

The people and Government of Argentina never consented to that act of force, and today they reiterate the historic mandate set out in the first Transitional Provision of the Constitution regarding their unwavering and irrevocable determination to recover, through the peaceful path of diplomatic negotiations, the full exercise of Argentina's sovereignty over the Malvinas Islands, the South Georgia Islands, the South Sandwich Islands and the surrounding maritime areas. This objective is State policy and reflects the collective wish of the people of the Argentine nation.

With respect to the situation currently created by the illicit, unilateral hydrocarbon exploration and mining activities in the area illegally occupied by the United Kingdom, the Government of Argentina reaffirms that it has exclusive authority to establish the conditions for activities involving hydrocarbons in any part of the Argentine continental shelf. Consequently, any attempt to authorize the conduct of such activities which is not sanctioned by the Government of Argentina constitutes an unlawful act under both Argentine and international law.

Argentina's claim to these southern territories and maritime areas has the support of the countries in the region. Furthermore, a number of international organizations and forums, among them the United Nations, the Organization of American States, the Ibero-American Summits, the zone of peace and cooperation of

the South Atlantic, the South American-Arab Countries Summits, the South America-Africa Summits, the Rio Group and the Special Ministerial Meeting of the Coordinating Group of the Movement of Non-Aligned Countries on Latin America and the Caribbean, have all recognized that there is a sovereignty dispute and urged both parties to resume negotiations.

Today, the Government of the Argentine Republic once again reiterates its continued willingness to resume negotiations with a view to finding the means to resolve the sovereignty dispute relating to the question of the Malvinas Islands peacefully and definitively. Regrettably, thus far the persistent and unjustified refusal on the part of the Government of the United Kingdom of Great Britain and Northern Ireland has perpetuated an anachronistic colonial situation that is incompatible with modern times.

United Nations A/64/838 S/2010/326

General Assembly
Security Council

Distr.: General
22 June 2010

Original: English

General Assembly
Sixty-fourth session
Agenda items 13 and 18

Security Council
Sixty-fifth year

Prevention of armed conflict

The situation in the occupied territories of Azerbaijan

Letter dated 18 June 2010 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I would like to refer to documents A/64/794-S/2010/257 and A/64/795-S/2010/258 of 28 May 2010 containing a press release and statement of the Ministry of Foreign Affairs of Azerbaijan and circulated under agenda items 14 and 18 of the General Assembly containing the distorted interpretations of the Azerbaijani Government regarding the resolution of the European Parliament adopted on 20 May 2010 with respect to the need for a European Union strategy for the South Caucasus.

The above-mentioned resolution of the European Parliament is at odds with the spirit of the Nagorno-Karabakh peace process. Certain provisions of the resolution are absolutely not in line with the Madrid Principles, the joint statement issued by the countries of the Co-Chairs of the Organization for Security and Cooperation in Europe Minsk Group at the L'Aquila Summit of the Eight and the declaration on Nagorno-Karabakh of 2 November 2008. Moreover, some of the provisions in the resolution also contradict the positions of the European Union itself with respect to the Nagorno-Karabakh issue.

Azerbaijan has permanently misinterpreted the substance and the causes of this conflict and tries to shift the responsibility for its consequences to the Armenian sides — the Nagorno-Karabakh Republic and the Republic of Armenia.

In fact, the essence of the problem is that the people of Nagorno-Karabakh have realized the right to self-determination in full compliance with the principles of international law. The conflict has emerged because of the Azerbaijani policy of ethnic cleansing and violence, carried out brutally against the people of Nagorno-Karabakh in response to their legal claim to live in freedom through the application of their right to self-determination. Consequently, these actions unfolded into open aggression and large-scale hostilities against the self-determined Nagorno-Karabakh Republic, ultimately claiming the lives of tens of thousands of civilians and causing huge material damage. The wounds of the last war have not

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yet healed, but Azerbaijan is trying to launch a new war by initiating an unhealthy arms race and preaching hatred against Armenia and the Armenians at the State level.

We call upon Azerbaijan to show its readiness for constructive participation in the ongoing process of conflict resolution instead of engaging in the meaningless task of interpreting the resolutions of the European Parliament and other international organizations on a selective, one-sided and distorted basis, as it has always done, trying to conceal the true essence of the Nagorno-Karabakh conflict and the reasons for its escalation.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 13 and 18, and of the Security Council.

(*Signed*) Garen **Nazarian**
Ambassador
Permanent Representative

United Nations A/64/839–S/2010/334

General Assembly
Security Council

Distr.: General
24 June 2010
English
Original: Arabic

General Assembly
Sixty-fourth session
Agenda item 15
The situation in the Middle East

Security Council
Sixty-fifth year

Identical letters dated 22 June 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit herewith Lebanon's response (see annex) to the allegations contained in the Israeli letter regarding Lebanese vessels that have been attempting to deliver humanitarian assistance to the Gaza Strip.

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-fourth session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

10-42238 (E) 250610 250610

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Annex to the identical letters dated 22 June 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On 18 June 2010, the Permanent Representative of Israel to the United Nations transmitted an official letter to Your Excellency which contained a number of falsehoods and slanders.

In refuting the Israeli allegations, Lebanon would like to clarify its position on a number of matters, the most important of which are the following:

- Lebanon condemns the siege imposed by Israel on the Gaza Strip and calls on the international community to bring pressure to bear on Israel to lift that siege immediately and unconditionally, and to open crossing points in order to allow the free movement of persons and humanitarian assistance;
- The Israeli siege of the Gaza Strip is a blatant violation of international laws and norms, particularly international humanitarian law, and clearly threatens international peace and security. Israel bears complete responsibility for the siege and the humanitarian disaster that it will bring about;
- Lebanese law does not permit maritime vessels or craft to sail directly to ports under the control of the Israeli authorities, including the port of Gaza;
- Lebanon abides by the laws regulating the movement of vessels from its ports. It therefore cannot prevent any maritime vessel from setting sail for any port as long as the vessel, the persons on board and its destination are in compliance with Lebanese law, and the vessel observes the provisions of Lebanese maritime law;
- The Lebanese authorities inspect all maritime vessels leaving Lebanese territorial waters in order to ensure that they are not carrying prohibited cargo and that no unauthorized persons are on board. The Lebanese authorities grant maritime vessels and craft permission to leave as long as the destination, cargo and persons on board are in compliance with Lebanese law;
- Lebanon emphasizes the substance of the statement issued by the President of the Security Council on 1 June 2010, in which the Council stressed that the situation in Gaza was not sustainable and underscored the need for sustained and regular flow of goods and persons to Gaza as well as the provision of humanitarian assistance throughout Gaza;
- Lebanon holds Israel responsible for any aggression against it and calls on the international community to bring pressure to bear on Israel to implement fully Security Council resolution 1701 (2006) and to halt its daily violations of Lebanese sovereignty and its continuing threats against Lebanon, its people and infrastructure;
- The Lebanese Government is most solicitous that the international community should succeed in lifting the siege imposed on Gaza, thereby underscoring the importance of implementing international law. Building on that success, the international community could then make a sincere effort to advance the

process aimed at achieving a comprehensive and just peace. That process is of vital importance to achieving peace in our region and throughout the world.

(*Signed*) Ali Hussein **Al-Chami**
Minister for Foreign Affairs and Emigrants

United Nations A/64/840–S/2010/329

General Assembly
Security Council

Distr.: General
23 June 2010

Original: English

General Assembly
Sixty-fourth session
Agenda items 15 and 16

The situation in the Middle East

Question of Palestine

Security Council
Sixty-fifth year

Letter dated 18 June 2010 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

I have the honour, in my capacity as Chair of the Organization of the Islamic Conference (OIC) Group in New York, to convey for your valuable consideration the final communiqué adopted at the OIC Expanded Extraordinary Executive Committee Meeting at the level of foreign minister on the Israeli aggression against the freedom flotilla shipping humanitarian aid to Gaza, held in Jeddah, Saudi Arabia, on 6 June 2010 (see annex).

I would highly appreciate it if the present letter and its annex were circulated as an official document of the General Assembly, under agenda items 15 and 16, and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

10-41955 (E) 300610

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Annex to the letter dated 18 June 2010 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

Final Communiqué of the Organization of the Islamic Conference Expanded Extraordinary Executive Committee Meeting at the level of foreign minister on the Israeli aggression against the Freedom Flotilla shipping humanitarian aid to Gaza, adopted in Jeddah, Saudi Arabia, on 6 June 2010

The Expanded Extraordinary Ministerial Meeting of the Executive Committee of the Organization of the Islamic Conference, held in Jeddah, Saudi Arabia, on 6 June 2010, corresponding to 23 Jumada Al-Thani, 1431H,

Proceeding from the principles and objectives of the Charter of the Organization of the Islamic Conference and pursuant to the resolutions of the Organization of the Islamic Conference on the question of Palestine and Al-Quds Al-Sharif,

Commending the resistance of the Palestinian people in the face of the Israeli aggression, and affirming support for the Palestinians' just struggle to regain their inalienable national rights, including their right to self-determination and the establishment of the independent State of Palestine, with Al-Quds as its capital,

Underlining that the blockade imposed by Israel on the Gaza Strip, including closing the border crossings and cutting the flow of fuel supplies, food and medicines, constitutes a collective punishment of the civilian population, provokes serious humanitarian repercussions and is considered a crime against humanity by international law,

Having considered the circumstances surrounding the unlawful military attack of the Israeli forces against the international civilian convoy carrying humanitarian aid, that is, the Freedom Flotilla, in international waters on 31 May 2010, which resulted in loss of life and injuries among unarmed civilians,

Emphasizing that the safety and well-being of all civilians are of paramount importance,

Condemning the continued disregard of international law by Israel and its detrimental implications for regional and global peace, stability and security,

Condemning Israel's insistence on responding to all peace initiatives with violence and belligerency,

Stressing the need to respect the universally accepted human rights and norms and principles of international humanitarian law,

Welcoming:

- The United Nations Security Council Presidential Statement of 31 May 2010;
- The statement issued by the African Union at the level of Heads of State and Government on 31 May 2010;

– The joint statement issued by the Association of Southeast Asian Nations-Gulf Cooperation Council Ministerial Meeting held in Singapore on 1 June 2010;

– The resolution of the Extraordinary Meeting of the Ministerial Council of the Arab League, adopted in Cairo on 2 June 2010;

– The resolution of the United Nations Human Rights Council, adopted on 2 June 2010, which calls for the setting up of an independent international fact-finding mission on the violations of international law by Israel's aggression against the Freedom Flotilla;

Having listened to the report of the Secretary General of the Organization of the Islamic Conference to the Turkish and Palestinian Ministers of Foreign Affairs and to the interventions of other ministers and heads of delegations,

1. *Condemns* in the strongest possible terms the brutal aggression by the Israeli forces against civilian ships transporting humanitarian aid material to the Gaza Strip in international waters;

2. *Conveys* its deepest condolences to the families of those killed in this military aggression and expresses its hopes for the early recovery of the wounded;

3. *Condemns* Israel for this piracy which constitutes an act of state terrorism, and a gross breach of international law and serious violation of human rights;

4. *Condemns also* the killing and wounding of unarmed civilians by the Israeli barbaric assault in international waters, under circumstances not warranting such attack;

5. *Expresses its appreciation* to the Republic of Turkey for its unwavering stance in support of the Palestinian people;

6. *Highly commends* the humanitarian mission undertaken by the Freedom Flotilla to deliver humanitarian aid to the Israeli blockaded Gaza Strip. It further pays tribute and its full respect for those who perished in this noble endeavour;

7. *Calls upon* the member States of the Organization of the Islamic Conference to take all necessary measures, within international law, individually and collectively, to deter Israel from engaging in any assault and use of force against civilian ships;

8. *Demands* the release of the ships and individuals involved which were forced to go to Ashdod port by the Israeli forces;

9. *Further demands* that full compensation be made in accordance with international standards for the loss of lives and injuries caused to civilians by the Israeli military aggression on the humanitarian convoy of ships, as well as compensation for all material damages caused;

10. *Calls on* the United Nations Secretary-General to establish an independent international commission to launch a full investigation into the incident in order to determine, prosecute and punish those responsible for the killing of civilians, as well as attacking and forcefully seizing civilian vessels;

11. *Emphasizes* that the Israeli blockade of Gaza Strip is not only a gross violation of Palestinians' human rights, but also represents a serious threat to

international peace and security and regional stability, as clearly demonstrated by the latest incident. It is a vivid manifestation of state terrorism, serious crime against humanity, and a blatant breach of international law, which needs to receive proper reaction by the international community through bringing Israeli authorities who are responsible for these heinous acts to justice;

12. *Reiterates* its firm and unwavering demand for an immediate lifting of this unlawful Israeli blockade of the Gaza Strip and the opening of all Israeli-controlled crossing points to allow for the free movement of persons and goods into and from the Gaza Strip and to allow for unfettered humanitarian access;

13. *Calls on* the member States of the Organization of the Islamic Conference to coordinate their efforts with the international community to put an end to this oppressive and unacceptable Israeli blockade, including sanctions against Israel to compel it to stop such barbaric acts and crimes;

14. *Decides* to establish a governmental expert group of the Organization of the Islamic Conference, in close coordination with Palestine, in order to consider ways, means and mechanisms to ensure the lifting of the unjust Israeli blockade imposed on Gaza and to facilitate the reconstruction process of Gaza;

15. *Requests* the United Nations Secretary-General to intensify United Nations activities in order to immediately and unconditionally lift the Israeli blockade on Gaza and alleviate the sufferings of the people therein;

16. *Renews its call* that action must be taken to bring a halt to all other illegal Israeli practices against the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem;

17. *Reaffirms* the importance of continuing the strong coordination among the Organization of the Islamic Conference, the Non-Aligned Movement and the Arab Group in the United Nations and other international organizations and the need to continue the coordination and cooperation of these groups in order to ensure comprehensive follow-up of this serious and urgent matter, including to ensure the full implementation of the United Nations Security Council Presidential Statement of 31 May 2010, particularly the pursuit of an impartial, credible, transparent and independent international investigation in accordance with international standards led by the United Nations Secretary-General;

18. *Expresses its concern* over the ongoing Israeli illegal acts and practices in the international waters, which further targeted the Irish vessel "Rachel Corrie" on 5 June 2010 and prevent the delivery of humanitarian assistance to the Palestinian people in Gaza;

19. *Requests* the Organization of the Islamic Conference Group in Geneva to follow up the implementation of the Human Rights Council resolution of 2 June 2010, adopted with the active role of the member States of the Organization of the Islamic Conference;

20. *Denounces* the countries which did not support the resolution adopted by the United Nations Human Rights Council on 2 June 2010 on the Israeli aggression against the Freedom Flotilla, and deems it a protection for Israel and its crimes and a manifestation of double standards and departure from international law and international humanitarian law;

21. *Requests* the Secretary General of the Organization of the Islamic Conference to take the necessary measures towards convening a special meeting of the United Nations General Assembly within the framework of "Uniting For Peace", in order to lift the Israeli blockade on Gaza;

22. *Mandates* the Secretary General to coordinate with the Chairs of the Islamic Summit Conference, the Council of Foreign Ministers and the member States of the Executive Committee in order to ensure implementation and the follow-up of the provisions of the present communiqué;

23. In view of the continuing Israeli challenge and violation of international law and all its international commitments, *calls on* member States to reconsider their relations with Israel, including reconsideration of normalization of such relations;

24. *Supports* the Palestinian reconciliation process and the Egyptian efforts to achieve this reconciliation, taking into consideration the need to end the Palestinian discord as soon as possible.

United Nations A/64/841–S/2010/330

General Assembly
Security Council

Distr.: General
23 June 2010

Original: English

General Assembly
Sixty-fourth session
Agenda item 128
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Security Council
Sixty-fifth year

Identical letters dated 18 June 2010 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council

I have the honour to transmit to you the attached letter dated 31 May 2010 from Judge Patrick Robinson, President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, containing requests related to the completion of the work of the Tribunal.

In his letter, President Robinson seeks the extension of the terms of office of the judges at the Tribunal in accordance with the submitted trial and appeals schedule. The terms of office of all the judges are due to expire on 31 December 2010. As you are aware, in resolution 1900 (2009) of 16 December 2009, the Security Council underlined its intention to extend, by 30 June 2010, (a) the terms of office of all trial judges at the Tribunal based on the projected trial schedules, and (b) the terms of office of all appeals judges at the Tribunal until 31 December 2012, or until the completion of the cases to which they are assigned if sooner.

President Robinson also requests that nine ad litem judges be permitted to serve at the Tribunal beyond the cumulative period of three years provided for under article 13 ter, paragraph 2, of the statute of the Tribunal.

It falls to the General Assembly and the Security Council to consider and decide on these requests. Accordingly, I should be grateful if you would bring the letter from President Robinson to the attention of the members of the General Assembly and the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

Letter dated 31 May 2010 from the President of the International Tribunal for the Former Yugoslavia addressed to the Secretary-General

I have the honour of referring to Security Council resolution 1877 (2009) of 7 July 2009, whereby the terms of office of the permanent and ad litem judges were extended by the Security Council until 31 December 2010, or upon the completion of the cases to which they were assigned, if sooner. I also refer to Security Council resolution 1900 (2009) of 16 December 2009, which underlined the Security Council's intention to extend, by 30 June 2010, the terms of office of all trial judges based upon the Tribunal's projected trial schedule and the terms of office of all appeal judges until 31 December 2010, and requested the President to submit an updated trial and appeals schedule.

By the present letter, I wish to submit an updated trial and appeals schedule and to bring to your attention the necessity of extending the terms of office of the Tribunal's permanent and ad litem judges. Permission is also required for some of the ad litem judges to serve at the Tribunal beyond the cumulative period of service provided for under article 13 ter (2) of the Tribunal's statute.

Having due regard to the Tribunal's current anticipated completion dates for all trial and appellate work, and considering General Assembly resolution 63/256 of 24 December 2008, which authorizes the Tribunal "to offer contracts to staff in line with dates of planned post reductions in accordance with the relevant prevailing trial schedules", I am requesting extensions of the terms of office of the Tribunal's judges commensurate with those that the General Assembly has authorized for the Tribunal's staff.

By reference to the attached trial and appeals schedule, the following extensions are sought.

Permanent judges

An extension until 31 December 2012 or at the completion of the trials and appeals to which they are or will be assigned, if sooner, is sought for the following judges:

Judge Flügge (Germany)

Judge Morrison (United Kingdom of Great Britain and Northern Ireland)

Judge Hall (Bahamas)

Judge Delvoie (Belgium)

An extension until 31 December 2013 or at the completion of the appeals to which they are or will be assigned, if sooner, is sought for the following judges:

Judge Agius (Malta)

Judge Moloto (South Africa)

Judge Antonetti (France)

Judge Orie (Netherlands)

An extension until 31 December 2014 or at the completion of the appeals to which they are or will be assigned, if sooner, is sought for the following judges:

Judge Robinson (Jamaica)

Judge Pocar (Italy)

Judge Meron (United States of America)

Judge Liu (China)

Judge Kwon (Republic of Korea)

Please note that the following judge is currently anticipated to complete his mandate within the time frame set out in Security Council resolution 1877 (2009):

Judge Parker (Australia)

Ad litem judges

An extension until 31 December 2011 or at the completion of the trials to which they are currently assigned, if sooner, is sought for the following judges:

Judge David (Argentina)

Judge Prandler (Hungary)

Judge Trechsel (Switzerland)

An extension until 31 December 2012 or at the completion of the trials to which they are currently assigned, if sooner, is sought for the following judges:

Judge Mindua (Democratic Republic of the Congo)

Judge Nyambe (Zambia)

Judge Picard (France)

Judge Harhoff (Denmark)

Judge Gwaunza (Zimbabwe)

Judge Lattanzi (Italy)

Judge Baird (Trinidad and Tobago)

Additionally, the following judges require permission to serve at the Tribunal beyond the cumulative period of service provided for under article 13 ter (2) of the statute of the Tribunal:

Judge David (Argentina)

Judge Prandler (Hungary)

Judge Trechsel (Switzerland)

Judge Mindua (Democratic Republic of the Congo)

Judge Picard (France)

Judge Harhoff (Denmark)

Judge Gwaunza (Zimbabwe)

Judge Lattanzi (Italy)

Judge Baird (Trinidad and Tobago)

Please note that the following judges are currently anticipated to complete their mandate within the time frame set out in Security Council resolutions 1877 (2009) and 1900 (2009):

Judge Prost (Canada)

Judge Støle (Norway)

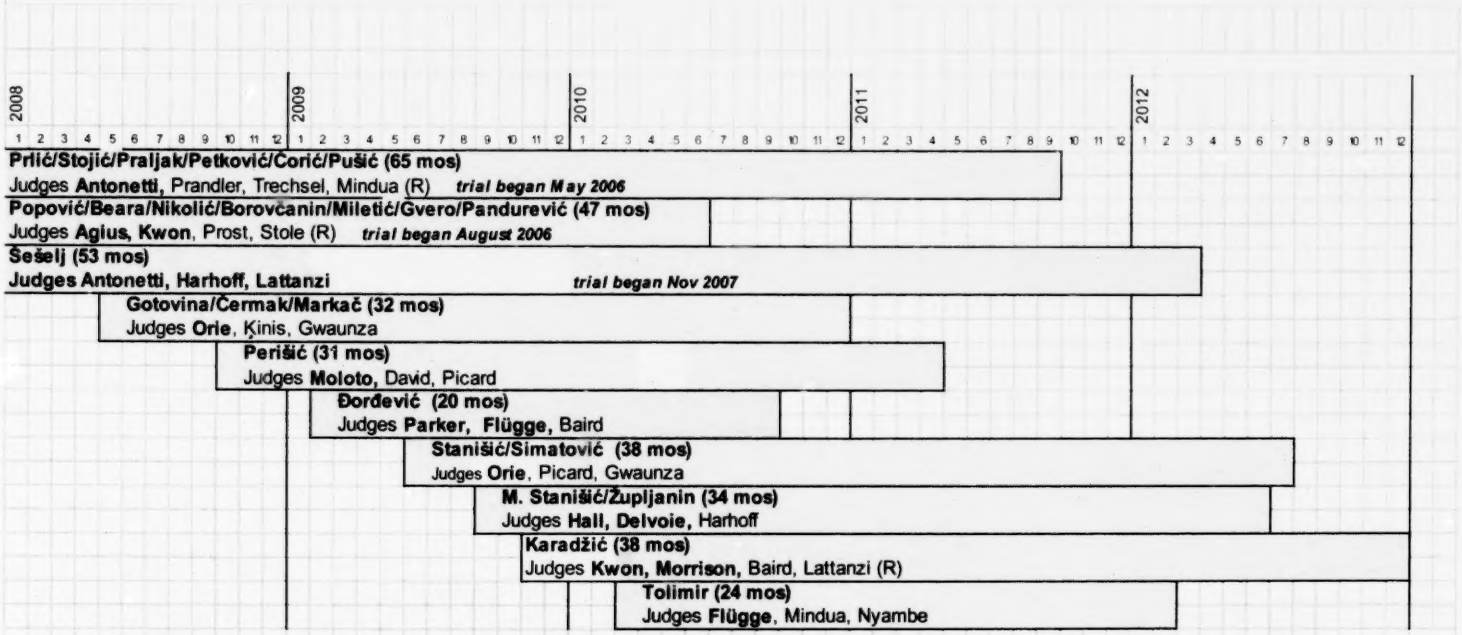
Judge Kinis (Latvia)

I would be grateful if you would bring this letter and its enclosures to the attention of the Security Council and the General Assembly for their consideration.

(*Signed*) Patrick **Robinson**
President

Enclosure I

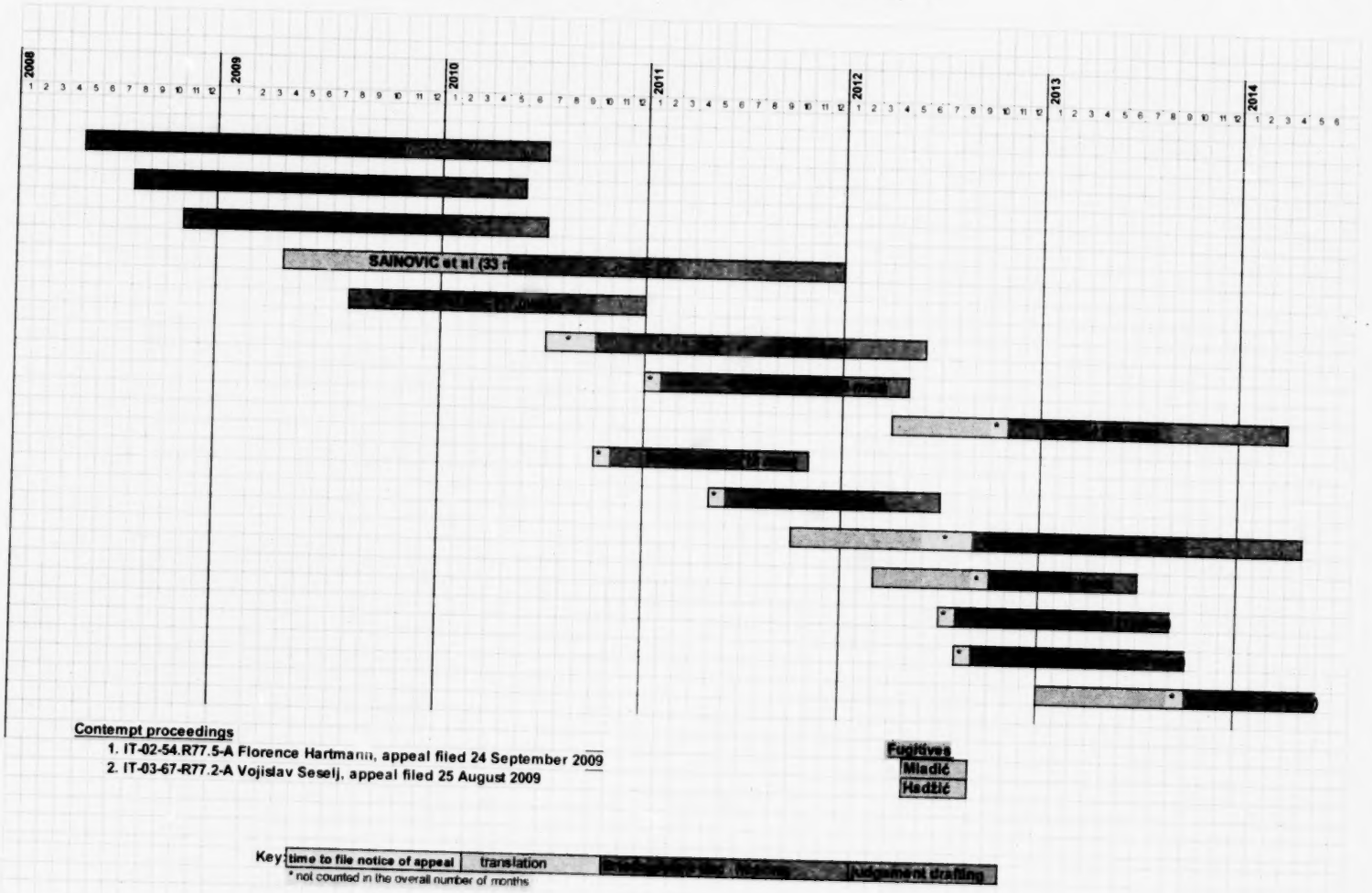
International Tribunal for the Former Yugoslavia: projected forecast for ongoing trial proceedings (as of 10 May 2010)


2008
2009
2010
2011
2012
1 2 3 4 5 6 7 8 9 10 11 12
Prlić/Stojić/Praljak/Petković/Ćorić/Pušić (65 mos)
Judges Antonetti, Prandler, Trechsel, Mindua (R) trial began May 2006
Popović/Beara/Nikolić/Borovčanin/Miletić/Gvero/Pandurević (47 mos)
Judges Agius, Kwon, Prost, Stole (R) trial began August 2006
Šešelj (53 mos)
Judges Antonetti, Harhoff, Lattanzi trial began Nov 2007
Gotovina/Čermak/Markač (32 mos)
Judges Orie, Kinis, Gwaunza
Perišić (31 mos)
Judges Moloto, David, Picard
Đorđević (20 mos)
Judges Parker, Flügge, Baird
Stanišić/Simatović (38 mos)
Judges Orie, Picard, Gwaunza
M. Stanišić/Župljanin (34 mos)
Judges Hall, Delvoie, Harhoff
Karadžić (38 mos)
Judges Kwon, Morrison, Baird, Lattanzi (R)
Tolimir (24 mos)
Judges Flügge, Mindua, Nyambe
Key: ongoing
adjournment
pre-trial
fugitive
Contempt proceedings (indictment or order in lieu of indictment filed):
1. IT-04-84-R77.1 Shefqet Kabashi (at large), indictment issued 5 June 2007
2. IT-03-67-R77.3 Vojislav Šešelj, order in lieu of indictment issued on 3 February 2010
Fugitives: To be tried upon arrival
Mladić
Hadžić

A/64/841
S/2010/330

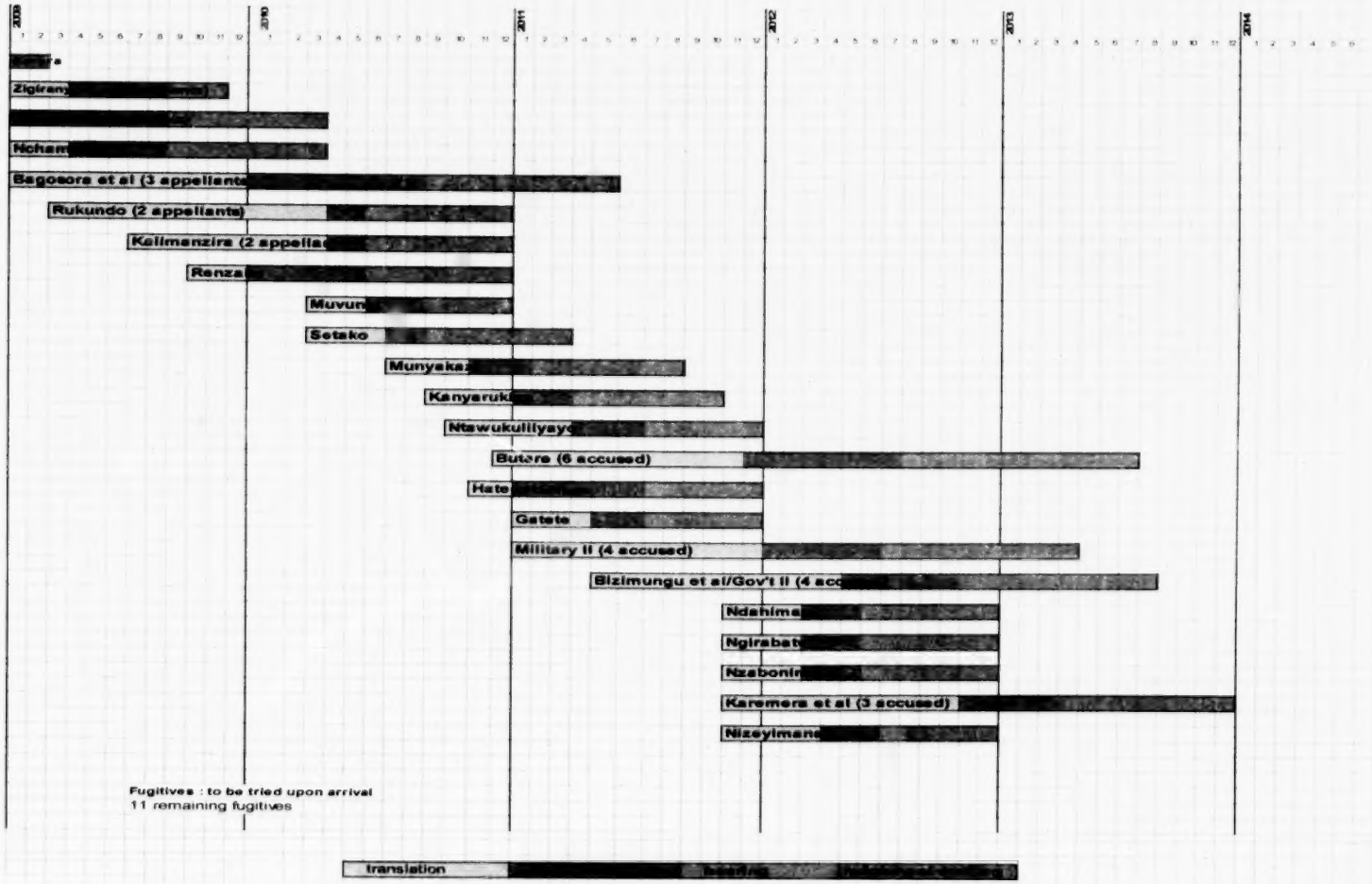
Enclosure II

International Tribunal for the Former Yugoslavia: projected forecast for ongoing and future appeal proceedings (based on 10 May 2010 trial schedule)



Enclosure III

International Criminal Tribunal for Rwanda: appeals schedule based on redeployment of judges and staff (as of 17 May 2010)



United Nations A/64/842–S/2010/331

General Assembly
Security Council

Distr.: General
24 June 2010

Original: English

General Assembly
Sixty-fourth session
Agenda items 15 and 16

The situation in the Middle East

Question of Palestine

Security Council
Sixty-fifth year

Letter dated 22 June 2010 from the Permanent Representatives of Egypt, the Libyan Arab Jamahiriya and the Syrian Arab Republic to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

We, Chairs of the Coordinating Bureau of the Non-Aligned Movement (NAM CoB), the Organization of the Islamic Conference (OIC) Group, and the Arab Group in New York, in a follow-up to the presidential statement adopted by the United Nations Security Council on 1 June 2010 (S/PRST/2010/9) and the resolution adopted by the Human Rights Council on 2 June 2010 (A/HRC/RES/14/1), urgently request the following:

- The immediate, unconditional and complete lifting of the illegal Israeli blockade imposed on the Palestinian people in the Gaza Strip and the opening of all Israeli border crossing points to allow for freedom of movement of persons and goods into and out of the Gaza Strip and to allow for permanent unfettered humanitarian access, in accordance with international humanitarian law and relevant United Nations resolutions.

- Conducting, without delay, under the auspices of the Secretary-General of the United Nations, a full, impartial, credible, transparent and independent international investigation, in accordance with the international standards, of the Israeli military attack against the maritime humanitarian convoy sailing to Gaza, which took place in international waters on 31 May 2010.

We reaffirm our conviction and the conviction of the States members of our groups that averting further escalation of tensions and destabilization of the situation, promoting a just, lasting, comprehensive and peaceful settlement to the Israeli-Palestinian conflict and the Arab-Israeli conflict as a whole, and ensuring the maintenance of peace and security in the Middle East and the eastern Mediterranean region will depend on the full implementation of all the relevant United Nations

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resolutions, including Security Council resolutions, regarding the question of Palestine and the situation in the Middle East and on the achievement of serious and timely progress on the crucial aforementioned issues.

It would be highly appreciated if the present letter could be circulated as a document of the General Assembly, under agenda items 15 and 16, the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Maged A. **Abdelaziz**
Ambassador and Permanent Representative of the Arab Republic of Egypt
Chair of the Coordinating Bureau of the Non-Aligned Movement

(*Signed*) Abdurrahman Mohamed **Shalgham**
Ambassador and Permanent Representative of the Libyan Arab Jamahiriya
Chair of the Arab Group in New York

(*Signed*) Bashar **Ja'afari**
Ambassador and Permanent Representative of the Syrian Arab Republic
Acting Chair of the Organization of the Islamic Conference Group

United Nations A/64/843–S/2010/336

General Assembly
Security Council

Distr.: General
25 June 2010
English
Original: Arabic

General Assembly
Sixty-fourth session
Agenda item 15
The situation in the Middle East

Security Council
Sixty-fifth year

Identical letters dated 22 June 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit herewith a letter of complaint regarding a violation of the Blue Line that Israeli enemy forces committed on 12 June 2010 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-fourth session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

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Annex to the identical letters dated 22 June 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On 12 June 2010, Israeli enemy soldiers entered Lebanese territory on the outskirts of Kafr Shuba, near the Hassan Gate. This action was observed by Lebanese Army troops, who used loudspeakers to warn them that they must withdraw from Lebanese territory. However, the Israeli soldiers did not heed that warning, leading to an exchange of fire. While no one was injured, the Israeli soldiers were forced to withdraw towards their position at Ruwaysat al-Alam, inside the occupied Shab'a Farms. The entrance of Israeli soldiers into Lebanon is a flagrant violation of Lebanese sovereignty, international law and Security Council resolution 1701 (2006), as well as a threat to international peace and security.

United Nations A/64/844

General Assembly

Distr.: General
25 June 2010
English
Original: Spanish

Sixty-fourth session
Agenda item 23
Question of the Falkland Islands (Malvinas)

Letter dated 23 June 2010 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

I have the honour to refer to the letter dated 19 May 2010 (A/64/787) which the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland addressed to you in response to a letter which my Government addressed to you on 15 March 2010 (A/64/711) concerning the most recent developments in relation to the Malvinas Islands in the context of the mission of good offices entrusted to you by the General Assembly and the Special Committee on decolonization concerning the question of the Malvinas Islands.

First, the Argentine Republic finds it necessary to remind the United Kingdom that there is a sovereignty dispute between the Argentine Republic and the United Kingdom over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas and that the existence and characteristics of the dispute have been recognized by the United Nations in General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, as well as the resolutions adopted each year by the Special Committee on decolonization, whereby both Governments are urged to resume negotiations in order to find as soon as possible a peaceful solution to the dispute.

The United Kingdom's attempts to justify its position are based exclusively on the principle of the self-determination of peoples. Moreover, in such justifications it invokes decisions of the Fourth Committee that refer not to the question of the Malvinas Islands, but to other colonial issues.

As you pointed out in your message to the Special Committee at the opening of its 2010 session on 25 February 2010, in the decolonization process it is necessary to take each Non-Self-Governing Territory's particular features and specific circumstances into account. The question of the Malvinas Islands has been dealt with in a specific way because of the particular features it has been recognized as having through the above-mentioned resolutions. All those resolutions, issued over the past 45 years in the framework of the United Nations, call for the settlement of a sovereignty dispute between Argentina and the United Kingdom. None of them characterizes the question of the Malvinas Islands in the manner in which the United Kingdom now seeks to frame it. What is more, in 1985 the

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General Assembly expressly ruled out the applicability of the principle of self-determination when it rejected, by a wide margin, two British proposals seeking to incorporate that principle into the specific draft resolution on the question of the Malvinas Islands.

The United Kingdom's stubborn refusal to meet its obligation to resume the sovereignty negotiations on the Malvinas, South Georgia and South Sandwich Islands has no justification whatsoever in international law.

The Argentine Government reiterates all the views set out in the document annexed to the letter addressed to you by its Permanent Representative on 15 March 2010 (A/64/711) concerning the unlawful unilateral acts related to hydrocarbons exploration on the Argentine continental shelf, which the United Kingdom seeks to impose on the international community as a fait accompli. Such unilateral acts manifestly contravene the provisions of General Assembly resolution 31/49. This is not a view or concern that is exclusive to the Argentine Government, as this understanding was shared by the 32 Latin American and Caribbean countries gathered at the Unity Summit, held in Cancún in February 2010. Those countries also reaffirmed their support for the Argentine Republic's legitimate rights in the sovereignty dispute with the United Kingdom.

In this regard, the Argentine Republic reiterates its firm rejection of the British attempt to authorize hydrocarbons exploration and exploitation activities in areas of the Argentine continental shelf unlawfully occupied by the United Kingdom, which prompted a strong protest from the Argentine Government on 2 February 2010 (A/64/653). These activities manifestly contravene international law and successive United Nations pronouncements, in particular General Assembly resolution 31/49, which calls upon both parties to the sovereignty dispute, the Argentine Republic and the United Kingdom, to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the Malvinas, South Georgia and South Sandwich Islands are going through the process recommended in United Nations resolutions.

The measures taken by the Argentine Republic in response to the United Kingdom's conduct, which are referred to in the United Kingdom's letter (A/64/787), are fully consistent with international law, including the law of the sea. These measures, which are reflected in Decree No. 256/2010 and Administrative Decision No. 14/2010, in no way involve restrictions on innocent passage or on the freedom of navigation. They are also consistent with Argentina's other international obligations, including those arising from bilateral treaties.

The United Kingdom's attempt to blame Argentina for the international isolation experienced by the Malvinas, South Georgia and South Sandwich Islands is indeed surprising. The Argentine Republic reiterates the content of its letter of 15 March (A/64/711) in relation to the cooperation attempts made between Argentina and the United Kingdom in the framework of the sovereignty dispute, and regrets that the possibility of cooperating on various issues is hindered by the United Kingdom's refusal to resume negotiations between the two countries in order to settle the dispute. The United Kingdom should understand that it cannot — as it has sought to do through its conduct — interpret the provisional bilateral understandings under the sovereignty formula, to which it refers in its letter, as a means of imposing a fait accompli through illegitimate unilateral actions.

With respect to the United Kingdom's reference, in the penultimate paragraph of its letter, to visits by relatives of Argentines fallen in the South Atlantic conflict, that country should remember that this matter is governed by an agreement to which only the Argentine Republic and the United Kingdom are parties. Moreover, the Argentine Government finds it regrettable that the United Kingdom is seeking to distort the framework applicable to these humanitarian actions, with the intent of altering the characterization of the sovereignty dispute which both countries are obligated to resolve.

Once again, the Argentine Government reiterates its strong support for the Secretary-General's continued good offices and gratefully acknowledges the Secretariat's valuable contribution in that regard. In addition, it trusts that the United Kingdom, in response to the exhortations deriving from that mandate and in fulfilment of its responsibility as a permanent member of the Security Council, will accept its obligation to settle disputes peacefully in accordance with the principles laid down in the Charter of the United Nations, together with its obligation to abide by the General Assembly's resolutions on the question of the Malvinas Islands, in particular the above-mentioned resolution 31/49.

The Argentine Government would be grateful if this letter could be circulated as a document of the General Assembly and if it — along with all documents submitted and circulated in relation to its letter of 15 March 2010 — could be considered as having been submitted in the context of the good offices mission entrusted to you by the General Assembly and the Special Committee on the question of the Malvinas Islands.

(*Signed*) Jorge **Argüello**
Ambassador
Permanent Representative

United Nations A/64/845

General Assembly

Distr.: General
24 June 2010

Original: English

Sixty-fourth session
Agenda item 106
Measures to eliminate international terrorism

Letter dated 23 June 2010 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General

I have the honour to transmit the letter of H.E. Makhdoom Shah Mahmood Qureshi, Foreign Minister of Pakistan, dated 14 June 2010 (see annex). The letter, along with its enclosure, may be circulated as a document of the General Assembly under agenda item 106.

(*Signed*) Abdullah Hussain **Haroon**
Ambassador and Permanent Representative

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Annex to the letter dated 23 June 2010 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General

I have the honour to forward herewith the comments/observations of the Government of Pakistan on the report of the Commission of Inquiry on Mohtarma Benazir Bhutto (S/2010/191) (see attachment).

It is requested that the present letter and its attachment be circulated as a document of the General Assembly.

(*Signed*) Makhdoom Shah Mahmood **Qureshi**

Attachment

Comments and observations of the Government of Pakistan on the report of the United Nations Commission of Inquiry on the assassination of the former Prime Minister of Pakistan, Mohtarma Benazir Bhutto

1. The Government and the people of Pakistan extend their appreciation for the work done by the Commission, which certainly will provide the authorities in Pakistan a basis to commence a serious and credible criminal investigation against those who planned and executed the assassination and to bring them to justice.

2. However, the Government of Pakistan also wishes to avail itself of this opportunity to invite the attention of the Secretary-General to certain concerns that it is necessary to bring forth in respect of the report and which are explained in the following three parts.

Part I

3. Paragraph 2 (c) of the terms of reference of the Commission of Inquiry (see S/2010/191, enclosure, annex) allowed the Commission access to all sources of information, including documentary material and physical evidence, freedom to interview representatives of governmental, as well as other institutions, and to any individual whose testimony was necessary, whereas paragraph 3 of the terms of reference allowed the Commission to approach third States with a request for cooperation in the collection of material or information relevant to the case. Information about such sources, material or information should be made part of the report for its true comprehension for all purposes. The Commission should have not only given more time to the Government of Pakistan to arrange cooperation with third States, as requested by the Government of Pakistan, and the Commission should have not only itself made efforts in this regard, but should have also extended the date for the finalization of its report, since such evidence may have had significant bearing on the ultimate findings of the Commission.

4. This lack of source attribution leads to vagueness and ambiguity in some parts of the report, which has undermined its credibility as a fact-finding report. Similarly, the Commission did not mention the procedural yardsticks by which it had tested the documents, materials or information before their incorporation in the report. They ought to have been added in order to give greater weight to the findings in the report. While we appreciate the need for discretion when dealing with sensitive issues, undue confidentiality about disclosure of different sources of information, including evidence both documentary and oral, undermined the overall value of the report in terms of its reliability.

5. The Government of Pakistan is taking necessary steps to investigate the assassination of Mohtarma Benazir Bhutto in a credible manner. However, keeping in view the contents of the report, the following deficiencies are pointed out with relevant observations in this regard, which impaired the credibility of the report as a fact-finding report and which could have been relied on otherwise for further criminal investigations:

(a) The Commission neither mentioned the names of the persons interviewed by it nor included such names as part of the report for use by investigators in Pakistan;

(b) The report does not mention documentation and the accessibility of those documents prepared on the basis of oral, recorded (audio) or circumstantial evidence examined by the Commission;

(c) The report does not provide any information about persons whom the Commission intended to examine or interview but could not do so, with the reasons for such failure;

(d) The report lacks procedural details regarding the manner and method of interviewing persons or witnesses by the members of the Commission, that is, whether it was individually or collectively;

(e) There is no indication or mention about persons or any list of persons who were interviewed outside Pakistan;

(f) The report does not provide any information about identification and possession of different records or materials examined by the members of the Commission, either inside or outside Pakistan;

(g) It is also not mentioned whether the materials, record of documents or documents prepared on the basis of interviews or evidence of individuals are in the possession of the Commission or have been handed over to the United Nations office for recording and preservation for their use in a criminal investigation, if needed in future by Pakistani authorities.

Part II

6. The Government of Pakistan is also grateful to the Commission for documenting a very systematic and sequential arrangement of facts, particularly relating to the day of the occurrence and related events.

7. In addition to the above, the Government of Pakistan has some concerns regarding certain portions of the report of the Commission and observations thereon that relate to matters and issues that, in our judgement, were not strictly within the framework of the terms of reference. The Government of Pakistan is quite sure that there was no intention of the Commission members to influence foreign policy or Pakistan's long-term strategic interests through such observations or comments. It is the understanding of the Government of Pakistan that even if the members of the Commission had dispensed with the said observations, it would not have diminished the usefulness of the said report for our investigations.

8. In this regard, the Government of Pakistan is pleased to make the following observations for the record of the Office of the Secretary-General:

(a) The report states that it remains the responsibility of the Pakistani authorities to carry out a serious, credible criminal investigation and to bring those responsible to justice, a conclusion with which the Government of Pakistan fully concurs;

(b) However, the above objective is difficult to achieve in view of the absence of clarification of certain matters stated by the Commission in its report. Although substantial questions are raised about the security provided to Mohtarma

Benazir Bhutto and the conduct of criminal investigations after the assassination of Mohtarma Benazir Bhutto, no referential information or supporting material on which such questions are based has been indicated. Similarly, the role of different persons is discussed without any proofs or materials which could have been used for further criminal investigations as desired in the report. Such supporting and relevant material would have assisted in fixing responsibility of persons mentioned therein during different stages of the provision of security to Mohtarma Benazir Bhutto or other arrangements which might have saved her life and which is now necessary to determine their due role or inadvertence in performance of their duties;

(c) However, it has been noted with some concern that instead of confining its findings strictly to the determination of "facts and circumstances" of the assassination of Mohtarma Benazir Bhutto, as per the terms of reference provided by the Secretary-General in his letter dated 2 February 2009 (see S/2010/191, enclosure), the members of the Commission of Inquiry have gone on to bring a particular focus on the Pakistan Army (referred to as the "Establishment" or "military high command" at various places in the report). Several comments and observations in respect of the "Establishment" are not stated to have been properly verified, nor is any material referred to in support of the opinion that the members of the Commission arrived at;

(d) To illustrate, section III of the report was given the title "Threats, responsibilities and possible culpabilities", and in that section members of the Commission "assess hypotheses" of the culpability of entities. In a subheading entitled "Threats from the Establishment", the report simply reproduces the belief of an unnamed source that "the Establishment ... was involved in or bears some responsibility for her assassination". No evidence has been provided in the report to support this belief. No material is mentioned. No document is referred to. There are no affidavits. Such an observation, which is unsubstantiated, has an adverse effect on other matters that have no relevancy to the mandate of the Commission;

(e) It is also noteworthy that in many aspects the Commission's report is beyond the ambit of its terms of reference and mandate. In paragraph 216, a superficial judgement accusing the so-called Establishment is based on evidence that is not specific or substantial in value;

(f) It is the sense of the Government of Pakistan that the Commission members, by accepting requests for anonymity of sources without stating justifiable reasons, have not exercised their discretion in conformity with the purpose of preparing the report, which was expected to make a detailed disclosure of the sources and material it relied upon. It is a universally recognized practice that in all fact-finding or inquiry commissions, the sources and necessary evidence, in all details, are brought on record to substantiate findings, which was not done in this case;

(g) Certain observations and discussions in the report have the effect of influencing regional matters, which may affect positions that Pakistan has been taking in certain sensitive bilateral relations.

9. The Commission completely ignored the mandate given to it according to paragraph 3 of the terms of reference, which required the Commission to approach third States with a request for cooperation in the collection of material or information relevant to the case and provision of expert personnel. The Commission

relied upon and tried to establish linkages between some organizations operating internationally or some international sources belonging to third States, such as the British Broadcasting Corporation, Al-Qaida groups or Afghan Taliban belonging to a neighbouring country, that is Afghanistan, authorities of the United Arab Emirates, and the United States Central Intelligence Agency, as mentioned in paragraphs 201, 202, 203, 205, 206, 207, 209, 211 and 219 of the report. All these sources are apparently relevant and the Commission also relied upon information disseminated from these sources, but the Commission did not exercise the power available to it under paragraph 3 of the terms of reference. There was a need that some concerned authorities of such third States should have been interviewed. This was the more so, since letters were written to persons residing in various parts of the world by the Government of Pakistan, information of which was provided to the Commission. The Commission should have made greater efforts to insist that third States provide access for interviews and to their archives or concerned authorities to acquire direct evidence, instead of relying on newspaper or other reports having doubtful evidentiary value.

10. There is a possibility that thorough questioning of international sources might have proved useful in unearthing any international link to Mohtarma Benazir Bhutto's assassination. Individuals located outside Pakistan who have some relevance to the incident and are also equally important in providing some leads to the actual perpetrators and executors of the plan should have been contacted by the Commission itself for interviewing by making greater efforts to do substantial justice. In this connection, it is relevant to mention that the Government of Afghanistan conveyed to the Government of Pakistan that H.E. Mr. Hamid Karzai, President of Afghanistan, was willing to meet the members of the Commission in Kabul on any day before 25 April 2010, which fact was brought to the notice of the Commission. However, the Commission neither met him nor gave any reason in its report for not meeting him.

11. It has been a general observation and assessment of the people of Pakistan that the plot to assassinate a leader of international stature and fame was not possible without planning, executing and financing from international sources in addition to their executors at local or national level, with their possible channels of communication and transfer of funds. Keeping this view in mind, the Commission was empowered to approach third States. The Commission itself mentioned this aspect but thereafter did not provide any further information in this respect. It is a flaw in this fact-finding report of the Commission. This is especially so in terms of the provision of financing, the method and type of communications and the provision of the logistics necessary to carry out the assassination.

12. The Government of Pakistan also expresses its concern that unsubstantiated observations and comments on the Pakistan Army, in particular, have the consequence of affecting the credibility and standing of the Pakistan Armed Forces and thereby adversely affect the morale of its officers and Jawans at a time when they are laying down their lives and fighting against those who have not only waged war against Pakistan but also threaten the peace of the world. The decisive role of the Pakistan Army in reducing the global threat relating to terrorism is appreciated by all States and their leaders.

13. The Government of Pakistan also expresses its reservations on certain observations in the report that imply a nexus between the Taliban and the Pakistan

Army. It is clear from the terms of reference that such an assessment was not within the scope of the work given to the Commission. The Government of Pakistan submits that such formulations undermine the method, manner and commitment of actions undertaken by the Pakistan Army against the terrorists on its soil, which are welcomed domestically and have won wide appreciation and support from the international community as well.

14. Likewise, the excessive discussion on the alleged role of the Inter-Services Intelligence (ISI) and intelligence agencies is carried out at various places in the report, but the same is not supported by any reference or evidence. The report fails to identify the material, documents and specific interviews on which it relies to come to the conclusions regarding the role of ISI. In any case, observations and comments on the history of ISI, its purpose, its past and present role and area of work are extraneous to the purpose of the mandate that the Commission of Inquiry was given. Therefore, the Government of Pakistan feels that the said observations have little relevance to the terms of reference given to the Commission.

15. The Government of Pakistan also considers that while making "assessments" of various hypotheses, the Commission of Inquiry has not exercised its discretion reasonably, as it has devoted disproportionate space to a hypothesis relating to the Pakistan Army and Establishment and intelligence agencies, while neglecting to make exhaustive discussions on other hypotheses.

16. The Government of Pakistan also has some concerns in respect of the report making observations and findings that absolve or hold persons or entities responsible, whereas in the letter of the Secretary-General dated 2 February 2009, it was explicitly mentioned that its mandate shall not be to carry out a criminal investigation.

Part III

17. The Government of Pakistan, in view of the above and without detracting from much of the good work done by the members of the Commission relating to the determination of the facts and circumstances of the assassination of Mohtarma Benazir Bhutto, states its position with regard to the Commission's report as follows:

(a) That comments and observations about the Pakistan Army, ISI or the so-called Establishment, are only the opinions of the members of the Commission. They do not represent authenticated determinations based on any fact or evidence, and the same shall neither form a precedent nor a basis to lend credence to a political position in this regard, in the practice of States and/or that of international organizations;

(b) The Government of Pakistan maintains that any comments, observations or findings given in the report in respect of all matters except those that are directly relevant to the facts and circumstances of the assassination of Mohtarma Benazir Bhutto shall not be viewed as having determined any fact that relates to any matter of foreign policy of Pakistan, neither shall it have the effect of influencing any position that the Government of Pakistan has been adhering hitherto;

(c) The report has a serious flaw because the Commission has failed to approach third States or to provide some reliable information to unearth, if any, international linkages perpetrating, planning, financing or abetting the assassination

of Mohtarma Benazir Bhutto, although there is mention and reliance on such sources belonging to third States. No doubt there were hiccups, and the Commission should have taken more time and effort in this regard, but unfortunately it appears that it paid scant attention to this aspect and instead has tended to focus on internal matters. The international linkages were an important aspect of the mandate of the Commission under paragraph 3 of the terms of reference which remained unfulfilled. This is notwithstanding the fact that due to its United Nations backing, the Commission was in a far better position to carry out this inter-State inquiry owing to its global or international mandate rather than a domestic inquiry team;

(d) Further, the Government of Pakistan wishes to present the clear understanding to the Office of the Secretary-General that the comments and observations so made by the members of the Inquiry Commission in the report, which are not authenticated and referenced, shall not be used or adopted by any State or institution as "facts determined", and in the event that any State or institution makes an attempt to rely on them, then the said reliance shall not hold any credence whatsoever.

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Sixty-fourth session
Agenda items 15 and 16

The situation in the Middle East

Question of Palestine

Security Council
Sixty-fifth year

Letter dated 21 June 2010 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the letter from the Honourable Dato' Sri Mohd. Najib, the Prime Minister of Malaysia, addressed to the Secretary-General (see annex). The letter is related to the recent unprovoked attack by the Israeli Defense Forces on vessels carrying humanitarian aid to Gaza.

I would like to request that the present letter and its annex be circulated as a document of the United Nations.

(*Signed*) **Hamidon** Ali
Ambassador
Permanent Representative of Malaysia to the United Nations

10-42869 (E) 020710

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Annex to the letter dated 21 June 2010 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General

Letter dated 17 June 2010 from the Prime Minister of Malaysia addressed to the Secretary-General

I write this letter to convey to you Malaysia's deep concern about the recent unprovoked attack by the Israeli Defense Forces in international waters on Gaza-bound vessels carrying humanitarian aid. The violent attack resulted in the killing and injuring of innocent and unarmed volunteers and was in complete disregard of international law and the Charter of the United Nations.

The world has been following the situation in Palestine for a long time. There is growing anxiety among a wide section of the people in the international community who are striving to build a world rooted in peace and justice, especially in the Middle East. In this context, the pressing need of the hour is for an unequivocal affirmation of the highest principles of justice, human rights and equality from the United Nations. I am encouraged that Your Excellency has strongly condemned the Israeli attack on the Freedom Flotilla, and Malaysia fully supports your proposal for the establishment of an international commission to investigate the attack, to be headed by the former Prime Minister of New Zealand, Sir Geoffrey Palmer, and to include representatives from the United States, Turkey and Israel.

As the Secretary-General of the United Nations, Your Excellency has a very crucial role to play. I would like to seek your personal intervention with members of the United Nations and with the leaders of the concerned parties to demand a full independent investigation of the Israeli attack on the innocent civilians in international waters and to demand that the parties concerned comply with the multitude of United Nations resolutions that have been adopted concerning the question of Palestine, including Security Council resolution 1860 (2009).

If the calls by the international community for the Security Council to initiate a prompt, impartial, credible and transparent investigation conforming to international standards on the Israeli attack on the innocent civilians in international waters fail to materialize, Malaysia would like to request Your Excellency to urge the members of the General Assembly to convene an emergency special session on the breach of international law due to the Israeli attack. This request is in accordance with General Assembly resolution 377 (A), entitled "Uniting for peace". There is a real danger of an alarming humanitarian crisis developing and putting at risk thousands of human lives if the inhumane blockade of Gaza since June 2007 is not fully lifted. The emergency special session should also pressure Israel to immediately lift the inhumane blockade of Gaza. Through this emergency special session, the General Assembly may request an advisory opinion from the International Court of Justice (ICJ) on the legality and legal consequences of the Israeli attack on the Freedom Flotilla in international waters.

Malaysia is of the view that the international community, especially the United Nations, should make every effort to ensure that this aggressive unilateral action by Israel does not lead to a widening of the conflict in the region. In fact, a wide section of people in the international community has long held the position that

durable peace, reconciliation and healing between Palestinians and Israelis should be based on the principles of equality and justice. We now urge Your Excellency to use your good offices to ensure that the United Nations acts as the guarantor and protector of human rights and justice in Pale tine through firm and decisive action.

Excellency, may I count on your continued support in finding a peaceful and lasting solution to the problems in the Middle East.

(*Signed*) Dato' Sri **Mohd. Najib**

Enclosure

Motion in the Parliament of Malaysia condemning the Israeli attack on the Freedom Flotilla carrying humanitarian aid to Gaza

7 June 2010

In accordance with Standing Orders 27 (3), the House of Representatives of the Parliament of Malaysia hereby adopts the following resolution:

THAT, the Zionist military regime, under the orders of the Prime Minister of Israel, Benjamin Netanyahu, launched an attack without reason in international waters on the Freedom Flotilla vessel convoy carrying humanitarian aid to Gaza on 31 May 2010, which has resulted in deaths and injuries to the members of the humanitarian aid convoy;

THAT, the Zionist regime's attacks on the humanitarian aid vessels are in violation of international law, including human rights law, international humanitarian law and the Charter of the United Nations;

THAT, similar sentiments were voiced through the joint statement of the Foreign Ministers of the Association of Southeast Asian Nations (ASEAN) and the Gulf Cooperation Council (GCC) in Singapore on 1 June 2010, which sternly condemned the actions of the Israeli Zionist regime;

THAT, the people of Malaysia hold firmly the position that there is no justification for the excessive use of force on the humanitarian aid vessels bound for Gaza in aid of the Palestinian people; and

THAT, the people of Malaysia are deeply dismayed at the inability of the international community, particularly the United Nations Security Council to take any strong action with regard to this violent act by the Zionist regime.

THUS, THIS HOUSE resolves to make the following resolutions:

(1) Strongly condemn the attack by the Zionist military regime, under the orders of the Prime Minister of Israel, Benjamin Netanyahu, on the humanitarian aid mission vessels to Gaza, which has resulted in deaths and injuries to civilians;

(2) Record profound disappointment with the United Nations Security Council on its mild statement on the violent attack by the Zionist regime on the humanitarian aid mission vessels;

(3) Decide to demand the United Nations Security Council to censure Israel and not merely issuing a mild statement;

(4) Decide for Malaysia to cooperate with the member countries of the Organization of the Islamic Conference (OIC), the Non-Aligned Movement (NAM), the League of Arab States and other like-minded countries to uphold the principles of international law, including human rights law, international humanitarian law and the Charter of the United Nations, in dealing with the humanitarian crisis in Gaza;

(5) Urge like-minded countries to propose a motion to the United Nations Security Council to refer the situation resulting from the attack by the Israel Zionist military regime to the International Criminal Court (ICC);

(6) Urge like-minded countries to propose a motion to the United Nations General Assembly to seek an advisory opinion from the International Court of Justice (ICJ);

(7) Request the State of Turkey to consider initiating action under the Rome Statute of the International Criminal Court (ICC);

(8) Call for a fully independent investigation to be conducted on the attack by the Zionist military regime and not merely an impartial investigation;

(9) Fully support the demands by the international community, particularly the Human Rights Council through its resolution 14/1 of 2 June 2010, for an accountable and fully independent investigation to be carried out on the attack;

(10) Demand that Israel not block any humanitarian aid convoy to the Palestinian people, particularly in Gaza, consistent with United Nations Security Council resolution 1860 (2009);

(11) Welcome the action by the State of Egypt to unconditionally open the Rafah border to ensure the unobstructed channelling of humanitarian aid;

(12) Appeal to the international community to continue extending humanitarian aid to the nationals of the Palestinian Territories in Gaza without being intimidated, and undaunted by the threats of the Zionist regime;

(13) Express appreciation to the States of Jordan, Turkey, Ireland, the Philippines and other countries that are involved in the efforts to secure the release of Malaysian nationals who were detained by the Zionist regime;

(14) Urge the Palestinian people to unite in safeguarding their inalienable rights to establish a free, independent and sovereign State of Palestine; and

(15) Express the solidarity of the people of Malaysia towards the cause of the Palestinian people in the establishment of a free independent and sovereign State of Palestine.

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General Assembly

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Sixty-fourth session
Agenda items 20, 28, 53 and 96

The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development

Assistance in mine action

Sustainable development

General and complete disarmament

Letter dated 25 June 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua to the United Nations addressed to the Secretary-General

I have the honour to inform you that on 18 June 2010 the Republic of Nicaragua was declared an anti-personnel mine-free country at a formal ceremony.

The national humanitarian demining programme was launched in 1989 as a Government initiative with very limited resources. Subsequently, the international community and bilateral donors joined in the national effort by providing financial and logistical support; their assistance was acknowledged by the Government and people of Nicaragua at the 18 June 2010 ceremony.

The national humanitarian demining programme covered 74 municipalities and destroyed 2 million explosive devices. As part of the programme, 179,970 mines were removed and destroyed; 1,029 areas, including 70 major bridges, 378 high-tension towers, two runways, seven hydroelectric plants and substations, six communication transponders, 33 populated areas surrounded by minefields and 533 minefields along the border and coastal areas, were cleared of mines.

The Government and people of Nicaragua are proud to have removed the threat of landmines from nearly 12 million square metres of the country and returned the cleared land to productive economic activity, directly or indirectly benefiting over two and a half million people.

This welcome development can only be surpassed by the imminent declaration of the Central American region as an anti-personnel mine-free zone.

10-42599 (E) 290610 300610

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In that regard, I should be grateful if you would circulate this letter as a document of the sixty-fourth session of the General Assembly, in all the official languages, under agenda items 20, 28, 53 and 96.

(*Signed*) Jaime **Hermida**
Ambassador
Alternate Permanent Representative
Chargé d'affaires

United Nations A/64/848

General Assembly

Distr.: General
29 June 2010
English
Original: Spanish

Sixty-fourth session
Agenda item 121
United Nations reform: measures and proposals

Letter dated 23 June 2010 from the Permanent Representative of the Dominican Republic to the United Nations addressed to the Secretary-General

I have the honour to write to you in order to raise a subject of great interest to my country and, in so doing, to convey the concern of the Government of the Dominican Republic in connection with the appointment of the Acting Director of the International Research and Training Institute for the Advancement of Women (INSTRAW).

In this regard, we have learned of a meeting convened by the Office of the Special Adviser on General Issues and Advancement of Women for the purpose of announcing the appointment of the aforementioned Acting Director, rather than submitting it for the approval of States members of the INSTRAW Executive Board. The meeting was held without inviting my Government, the host country of the Institute and a permanent Board member, ex officio, in its own right, to attend, and without consulting or informing it with regard to the purpose of the meeting.

Indeed, my country learned of the meeting through a telephone call from Ms. Yassine Fall and, subsequently, her letters of 16 and 18 June, respectively, requesting a meeting prior to her arrival in the Dominican Republic, where she would be assuming the position on 1 July 2010, and informing us of her appointment for a period of six months, pending the establishment of the new gender entity which is still the subject of intergovernmental negotiations.

Ms. Fall kindly expressed her interest in visiting us, as INSTRAW headquarters is located in the Dominican Republic, and because of our role on behalf of the Institute. We were therefore pleased to meet with her today.

The circumstances surrounding this appointment have aroused concern among the authorities of my Government, who are very committed to the most cherished goals of the United Nations and to its success, and all the more so when those circumstances are considered in the light of the INSTRAW Statute, particularly article III ("Executive Board"), paragraphs 2 (b) and 3 (e), and article IV ("Director and staff"), paragraph 1.

10-42802 (E) 300610 300610

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The Government of the Dominican Republic trusts that you will make every effort to properly address our concerns over what has occurred, even though the Secretariat may have had the best of intentions in seeking to improve the functioning of INSTRAW by appointing an experienced official with considerable professional abilities.

Lastly, we respectfully request that this letter be circulated among all States Members of the United Nations as an official document under agenda item 121.

(*Signed*) Federico Alberto **Cuello Camilo**
Ambassador
Permanent Representative

United Nations A/64/849–S/2010/339

General Assembly
Security Council

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General Assembly
Sixty-fourth session
Agenda items 13, 14 and 18

Prevention of armed conflict

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Security Council
Sixty-fifth year

Letter dated 25 June 2010 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a statement by the Ministry of Foreign Affairs of the Nagorno Karabakh Republic with regard to the latest flagrant violation of the ceasefire regime on the line of contact, carried out by the Azerbaijani armed forces in the early hours of 19 June 2010 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 13, 14 and 18, and of the Security Council.

(*Signed*) Garen **Nazarian**
Ambassador
Permanent Representative

10-42652 (E) 290610

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Annex to the letter dated 25 June 2010 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Statement by the Ministry of Foreign Affairs of the Nagorno Karabakh Republic

21 June 2010

On the night of 18 to 19 June, Azerbaijan carried out another provocation at the line of contact between the defence army of the Nagorno Karabakh Republic (NKR) and the armed forces of Azerbaijan, which resulted in human casualties. This is a recurrent demonstration of the policy of force by Azerbaijan right from the beginning against the self-determined people of Nagorno Karabakh.

The Armenian massacres committed in Sumgait, Baku, Kirovabad and other places in 1988-1991, ethnic cleansing in Nagorno Karabakh proper and the neighbouring territories, and the large-scale aggression of Azerbaijan against the self-determined NKR in 1991-1994 are palpable expressions of that policy.

Since 1994 Azerbaijan has continuously attempted to put the blame of its own responsibility for the consequences of the war initiated by itself on the Armenian side, is toughening its anti-Armenian hysteria and propaganda on a daily basis, is implementing an immense stockpiling of weaponry and, against that background, is continuously acting with clear threats of war.

The successive provocations at the line of contact by the armed forces of the Azerbaijani side, regular impediments of the monitoring activities of the Personal Representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) and the rejection of the proposal of the OSCE Minsk Group Co-Chair countries on pulling back the snipers and fostering the ceasefire regime are resulting in new human casualties.

It is noteworthy that the recent provocation was carried out from the territories of the NKR occupied by Azerbaijan. In fact, these territories not only have been subject to ethnic cleansings, but also are used as a basis for new infringements against the security of the people of the NKR.

Azerbaijan is demonstratively continuing to violate the United Nations Charter, particularly the principle of the non-use of force or the threat of the use of force, as well as the principles of equality of rights and the self-determination of peoples.

The people of Nagorno Karabakh self-determined on 10 December 1991 through a referendum that was fully in line with the acting legislation of the Union of Soviet Socialist Republics and the norms of international law that are also enshrined in the United Nations Charter and are binding for all United Nations Member States.

Being committed to the principle of the peaceful settlement of conflicts, the people of the Republic of Nagorno Karabakh is determined to preserve the freedom and independence achieved with great losses, as well as its democratic institutions formed on the basis of the true expression of the free will of the people.